

REMARKS

This Amendment is in response to the Office Action dated June 19, 2007, and accompanies a Request for Continuing Examination. With this Amendment, claims 1-10, 14, 16, and 17 are amended, and claim 12 is canceled. Claims 1-11 and 13-17 are presented for reconsideration and allowance.

In the Office Action of June 19, 2007, claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McKenna et al. (2003/0005449) in view of Herz et al. (6,088,722). As amended, claims 1-11 and 13-17 are directed specifically to conducting surveys of guests using an interactive item selection system displayed on the viewing surface of a guest room television of a hotel or motel entity. Neither McKenna et al. nor Herz et al. describes a system or method for conducting guest surveys of guests of a lodging facility such as a hotel or motel.

McKenna et al. is concerned with the delivery via satellite of files containing contents such as a movie to various hotel sites having in-room entertainment systems. The advantage of the McKenna et al. system is the ability to deliver the content files without requiring a visit to the site by service personnel of the company that operates the in-room entertainment system. McKenna et al. does not mention guest surveys, and provides no description of how guest surveys could be performed.

On page 4 of the Office Action, the "history" directory described in paragraphs 0023 and 0026 of McKenna et al. is referred to as a "survey". The history directory, however, is used to keep track of the digital entertainment content (DEC) files that have been successfully received at the site 18 from the satellite 16. This is used by the digital content receiver DCR 44 to determine whether a particular content file (e.g. a particular movie) being transmitted from satellite 16 needs to be downloaded and stored at site 18. If site 18 already has a copy of that movie stored in its digital content server DCS 50, then DCR 44 ignores the transmission from satellite 16. See paragraph 0016.

Thus, the "history" referred to in McKenna et al. has nothing to do with a guest survey. It does not involve questions or answers to a survey. The history is simply a list of those files (e.g. movies or games) have been received and stored. The guest is not involved at all with the history directory.

The Office Action also misinterprets the link between site 18 and home base 12 which is provided through Internet 30. Although McKenna et al. states system server 22 of home base 12 communicates with sites 18 through Internet 30, it does not state that any survey responses, or any other communications initiated at the guest terminals within guest rooms are sent to home base 12. Rather, as is typical in lodging entertainment system, a host computer at the site may have a communication link back to the base station of the entertainment system provider to report amounts of sales, so that the entertainment system provider knows the amount of money to be collected from the hotel as a result of operation of the in-room entertainment system. This information, however, is not a guest survey. The statement in the paragraph bridging pages 6 and 7 of the Office Action is incorrect. An electronic response to a survey from the user is not sent from site 18 to either base station 12 before uplink 14. The mere fact that there is a communication link or links between base station 12, uplink 14, and site 18 does not mean that electronic responses to a survey are being transmitted or received. As stated previously, McKenna et al. never mentions a survey, and never uses the term "survey". As stated on page 7 of the Office Action "McKenna fails to explicitly teach where the surveys, comprises at least one question to the user." In fact, McKenna never mentions survey at all, let alone questions to a guest or answers from a guest.

Herz et al. describes a system in which the programs broadcast to particular customers are customized based upon customer profiles that have been developed for specific cable television customers. The profiles may initially be developed by answers to questionnaires by customers or may be the result of assigning the customer to a particular demographic group. As the customer uses the system and makes selections, the customer's

profile can be changed based upon actual experience. Based on the profile, the lineup of programs that are presented to the customer can change over time.

Herz et al. is not concerned with lodging facilities such as hotels and motels, and it is not concerned with surveys of guests of hotels and motels regarding the products and services that have been offered to those guests by the hotel or motel.

The amendments to the claims clarify that the invention relates to guest surveys of guests of hotels and motels. While McKenna deals with delivering digital files to individual lodging properties (hotels and motels) so that those files can be used to deliver movies, games, and other entertainment to guests, it does not teach or suggest any survey system. Herz et al. is not directed to lodging facilities, and does not teach or suggest guest surveys. Nor does Herz suggest a mechanism by which guest surveys could be performed in lodging facilities.

With this Amendment, claims 1-11 and 13-17 define a method and system that is neither taught nor suggested by McKenna et al., Herz et al., or any combination of those references. Reconsideration and allowance of claims 1-11 and 13-17 is requested.

Respectfully submitted,

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